

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

554J0576

HOUSE JOINT RESOLUTION NO. 1001

Introduced by: Representatives Peterson (Bill) and Olson (Mel) and Senators Brown, Bogue,
and Moore

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election
2 an amendment to Article IV, section 3 of the Constitution of the State of South Dakota,
3 establishing certain procedures for the Governor to follow when granting pardons.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
5 DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to
7 Article IV, section 3 of the Constitution of the State of South Dakota, as set forth in section 2
8 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state
9 for approval.

10 Section 2. That Article IV, section 3 of the Constitution, of the State of South Dakota, be
11 amended to read as follows:

12 § 3. The Governor shall be responsible for the faithful execution of the law. ~~He~~ The
13 Governor may, by appropriate action or proceeding brought in the name of the state, enforce
14 compliance with any constitutional or legislative mandate, or restrain violation of any
15 constitutional or legislative power, duty, or right by any officer, department, or agency of the



1 state or any of its civil divisions. This authority ~~shall~~ does not authorize any action or
2 proceedings against the Legislature.

3 ~~He~~ The Governor shall be commander-in-chief of the armed forces of the state, except when
4 they shall be called into the service of the United States, and may call them out to execute the
5 laws, to preserve order, to suppress insurrection or to repel invasion.

6 The Governor shall commission all officers of the state. ~~He~~ The Governor may at any time
7 require information, in writing or otherwise, from the officers of any administrative department,
8 office, or agency upon any subject relating to the respective offices.

9 The Governor shall at the beginning of each session, and may at other times, give the
10 Legislature information concerning the affairs of the state and recommend the measures ~~he~~ the
11 Governor considers necessary.

12 The Governor may convene the Legislature or either house thereof alone in special session
13 by a proclamation stating the purposes of the session, and only business encompassed by such
14 purposes shall be transacted.

15 Whenever a vacancy occurs in any office and no provision is made by the Constitution or
16 laws for filling such vacancy, the Governor shall have the power to fill such vacancy by
17 appointment.

18 The Governor may, except as to convictions on impeachment, grant pardons, commutations,
19 and reprieves, and may suspend and remit fines and forfeitures. Upon granting a pardon, all
20 official records relating to the pardoned person's arrest, indictment or information, trial, finding
21 of guilt, application for a pardon, and the proceedings of the Board of Pardons shall be sealed.
22 The Governor shall file a public document with the secretary of state certifying that the
23 Governor has pardoned the person. The document shall remain a public document for five years;
24 but after five years, that document shall be sealed.